

Serial No. 10/790,623
Response dated March 14, 2007
Reply to Office Action of November 14, 2006

REMARKS

This is in response to the Office Action dated 14 November 2006. Claim 1 has been amended to correct a typographical error. No new matter has been added to the application.

Claims 1-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Juneau et al. (US Patent 6,254,526) in view of Kobayashi (US Patent 4,385,977), Steinemann (US Patent 4,945,342) and Tyers et al. (US Patent 4,144,889). Applicants respectfully traverse this rejection.

As the Patent Examiner notes, Juneau et al. does not specify that the Litz cable includes plated stainless steel wires or any type of stainless steel wires. While Kobayashi does disclose stainless steel wires which are plated with gold, applicants respectfully submit that there is no motivation to combine Kobayashi and Juneau et al., and that it would not have been obvious to arrive at the invention as claimed when it was made, even if one reviewed the patents cited by the Patent Examiner in this rejection.

The inventors of the invention claimed in the present application are experienced hearing aid designers, and when they filed the patent application which matured into the Juneau et al. patent cited against the present claims, they had not yet determined that it would advantageous to use plated stainless steel wires in soft hearing aids as claimed. In fact, as detailed in the attached Declaration of Edward Desporte, the problem with the wiring became apparent in around 2001. It was only after an enormous amount of trial and error that, over a year after the problem was discovered, a solution in the form of plated stainless steel wires was developed. Applicants respectfully submit that, since the solution as claimed to the wiring problem of soft hearing aids was so difficult to discover, it would not have been obvious at the time the invention was made to use plated stainless steel wires in the device of Juneau et al.

Applicants respectfully submit that the application is in condition for allowance. A Notice of Allowance is hereby respectfully requested.

Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicants respectfully petition the Commissioner for any extension of time necessary

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to render this paper timely.

Please charge any additional fees due or credit any overpayment to Deposit Account No.
50-0694.

Respectfully submitted,

/smn/

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